



## **APPEALS HEARING BOARD**

**THURSDAY, APRIL 14, 2016**

Evening Session 6:30 p.m.  
WING 118-120

200 E. Santa Clara Street  
San Jose, California

---

**David Parker, Chair**  
**Ron Cabanayan, Vice Chair**  
**Rajwant Bains      Andrew Ditlevsen**  
**Timothy Kenny      Karen Parsons**  
**Robyn Shearin**

**Harry Freitas, Director**  
Planning, Building and Code Enforcement

**Availability of Public Records.** All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at 200 E. Santa Clara Street at the City Clerk's Office, at the same time that the public records are distributed or made available to the legislative body.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call (Karla Cáceres at 408-535-7720) or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

## **NOTICE TO THE PUBLIC**

Good evening, my name is David Parker and I am the Chair of the Appeals Hearing Board. On behalf of the entire Board, I would like to welcome you to the Appeals Hearing Board meeting of April 14, 2016.

When addressing the Board, you will first need to identify yourself and state your address for our records. Then you will be sworn in. Please make sure you fill out a speaker's card first and hand the card to the Board Secretary.

The procedure for this hearing is as follows:

- The Board Secretary will take roll, after the Chair has read the opening remarks. The board will then conduct a vote on the approval of minutes from the meeting of February 11, 2016.
- City staff will present testimony on the City's case for each item.
- After City staff's testimony the property owner or his/her representative will give testimony. Then the Board will hear testimony from other interested parties. All items submitted to the Board will be retained as evidence. We urge witnesses to testify only on those issues raised by the administrative action.
- Board members frequently ask questions. Please try to answer the questions directly.
- After the testimony the public hearing will be closed and the Appeals Hearing Board will take action on the item.
- Copies of the agenda have been placed on the table near the door for your convenience. A complete packet of the documents pertaining to the items on tonight's agenda is available to review on the desk by the Commission Secretary.
- Please turn off cell phones and pagers.

Board Mission Statement: To have a fair and objective hearing to determine violations, encourage compliance, and to hear all appeals delegated by City Council for City Administrative Action by considering all evidence presented and making an appropriate ruling based on Code for the purpose of maintaining and improving the quality of life in San Jose.

**AGENDA**  
**ORDER OF BUSINESS**  
**6:30 PM SESSION**

1. **ROLL CALL AND OPENING REMARKS**

2. **APPROVAL OF MINUTES**

- a. Recommendation: Approval of minutes for February 11, 2016.

3. **REQUESTS FOR DEFERRALS**

4. **PUBLIC HEARINGS CONSENT CALENDAR**

5. **DEFERRED AND/OR CONTINUED ITEMS**

6. **PUBLIC HEARINGS**

- a. **[252 BIEBER DRIVE \(692-11-075\) ADMINISTRATIVE REMEDY](#)**  
(Jason Gibilisco, Inspector/ Jack A. Buck, "Property Owner")

The Director of Planning, Building and Code Enforcement requests a hearing to review the order requiring the property owner to repair the upstairs back exterior wall and trim and remove all overgrown and dead vegetation in the rear yard.

- b. **[3878 BUCKNALL ROAD \(404-10-008\) PROPOSED ABATEMENT](#)**  
(Steven Kelly, Inspector/ Thomas E. Mc Enroe and Kathryn A.  
Mc Enroe, Trustees of The Mc Enroe Family Trust, "Property Owner")

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of Proposed abatement and affirm the abatement action requiring the property owner to remove all solid waste, vegetation, refuse, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, stored items and similar materials both inside and outside the dwelling and garage acting as attraction or harborage for vectors. Remove and properly dispose of any and all items blocking access to required egress windows and doors. Either drain the polluted water from the swimming pool completely, or clean and maintain the pool with clear filtered water. Restore the required drywall between the garage and habitable space of the residence (rats have chewed through the fire resistive construction.) Cease any use of this property for the collection and storage of donated foods and goods, and cease any distribution of donated foods and goods from this property.

7. **REQUEST FOR EXCUSED ABSENCE**

8. **OTHER BUSINESS**

9. **OPEN FORUM – ORAL COMMUNICATIONS FROM THE PUBLIC**

10. **ADJOURNMENT**

Next Board Meeting, April 28, 2016.

AMENDED